

## **ENGROSSED** SENATE BILL No. 15

DIGEST OF SB 15 (Updated March 24, 2005 2:46 pm - DI 75)

Citations Affected: IC 3-5; IC 3-11; IC 3-12; IC 3-14; IC 35-44; noncode.

Synopsis: Absentee ballots. Provides that an absentee ballot application may not be given to a voter if certain information has been filled out before the application is given to the voter. Permits other information to be filled out before given to the voter. Requires an absentee ballot application to be filed within specific times. Requires an individual who assist a voter complete certain information on an absentee ballot application or who files an absentee ballot application for another individual to sign an affidavit attesting to certain information. Requires an applicant for an absentee ballot to affirm the content of the application under the penalties for perjury. Removes a provision concerning an absentee ballot application submitted by: (1) a confined voter; or (2) a voter caring for a confined person; in a county having a consolidated city. Establishes noon of the day before election day as the deadline for a confined voter or a voter caring for a confined person to submit an absentee ballot application by fax. Permits a county election board member or an absentee voter board member to file an affidavit alleging that an absentee ballot application has not been filed according to law. Provides that a person may not engage in (Continued next page)

Effective: July 1, 2005.

# Lawson C, Waterman, Landske, Miller

(HOUSE SPONSORS — RICHARDSON, THOMAS)

January 4, 2005, read first time and referred to Committee on Elections and Civic Affairs. January 24, 2005, amended, reported favorably — Do Pass.
February 3, 2005, read second time, amended, ordered engrossed; call withdrawn. February 7, 2005, reread second time, amended, ordered engrossed. February 8, 2005, engrossed.
February 10, 2005, read third time, passed. Yeas 32, nays 16.

HOUSE ACTION

March 7, 2005, read first time and referred to Committee on Elections and Apportionment. March 24, 2005, amended, reported — Do Pass.



### Digest Continued

electioneering in the presence of an individual who possesses an absentee ballot. Provides that a voter who is an address confidentiality program participant is entitled to cast an absentee ballot. Requires certain persons who deliver an absentee ballot to a voter to affirm certain facts under penalties for perjury. Allows: (1) an authorized agent or employee of a county election board; or (2) an employee of a bonded courier company; to handle or deliver a voted or unvoted absentee ballot. Allows a person who receives a voted absentee ballot to deliver the ballot to the county election board: (1) in person, (2) by United States mail, or (3) by a bonded courier company. Makes other changes relating to absentee ballots. Removes references to the delivery of ballots printed by the election division to conform with 2004 legislation providing that the election division will no longer print ballots. Establishes new criminal offenses relating to fraud and misrepresentation in elections. Excludes from the definition of "electioneering" a person's communications to: (1) the person's spouse; (2) an incapacitated person for whom the person has been appointed guardian; and (3) a member of the person's household.





First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 15

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- SECTION 1. IC 3-5-8-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2.5. (a) The commission shall prescribe a statement known as the "Absentee Voter's Bill of Rights".**
- (b) The Absentee Voter's Bill of Rights must be in a form prescribed by the commission and include the following:
  - (1) A statement summarizing the rights and responsibilities of the voter when casting and returning the absentee ballot.
  - (2) A summary of Indiana and federal laws concerning providing assistance to the voter, completion of the ballot in secret, intimidation of voters, and the return of the absentee ballot to the county election board.
  - (3) Information concerning how to report violations of the absentee ballot and election laws.

SECTION 2. IC 3-11-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official

ES 15—LS 6146/DI 75+











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1	absentee ballot. Except as provided in subsection (b), the voter must
2	sign the absentee ballot application.
3	(b) If a voter with disabilities is unable to sign the absentee
4	ballot application and the voter has not designated an individual to
5	serve as attorney in fact for the voter, the county election board
6	may designate an individual to sign the application on behalf of the
7	voter. If an individual applies for an absentee ballot as the properly
8	authorized attorney in fact for a voter, the attorney in fact must attach
9	a copy of the power of attorney to the application.
10	(c) A person may provide an individual with an application for
11	an absentee ballot with the following information already printed
12	or otherwise set forth on the application when provided to the
13	individual:
14	(1) The name of the individual.
15	(2) The voter registration address of the individual.
16	(3) The mailing address of the individual.
17	(4) The date of birth of the individual.
18	(5) The voter identification number of the individual.
19	(d) A person may not provide an individual with an application
20	for an absentee ballot with the following information already
21	printed or otherwise set forth on the application when provided to
22	the individual:
23	(1) The address to which the absentee ballot would be mailed,
24	if different from the voter registration address of the
25	individual.
26	(2) In a primary election, the major political party ballot
27	requested by the individual.
28	(3) In a primary or general election, the types of absentee
29	ballots requested by the individual.
30	(4) The reason why the individual is entitled to vote an
31	absentee ballot:
32	(A) by mail; or
33	(B) before an absentee voter board (other than an absentee
34	voter board located in the office of the circuit court clerk
35	or a satellite office);
36	in accordance with IC 3-11-4-18, IC 3-11-10-24, or
37	IC 3-11-10-25.
38	(e) If the county election board determines that an absentee
39	ballot application does not comply with subsection (d), the board
40	shall deny the application under section 17.5 of this chapter.
41	(f) A person who assists an individual in completing any

information described in subsection (d) on an absentee ballot



1	application shall state under the penalties for perjury the following	
2	information on the application:	
3	(1) The full name, residence and mailing address, and daytime	
4	and evening telephone numbers (if any) of the person	
5	providing the assistance.	
6	(2) The date this assistance was provided.	
7	(3) That the person providing the assistance has complied	
8	with Indiana laws governing the submission of absentee ballot	
9	applications.	
10	(4) That the person has no knowledge or reason to believe that	
11	the individual submitting the application:	
12	(A) is ineligible to vote or to cast an absentee ballot; or	
13	(B) did not properly complete and sign the application.	
14	(g) This subsection does not apply to an employee of the United	
15	States Postal Service or a bonded courier company acting in the	
16	individual's capacity as an employee of the United States Postal	
17	Service or a bonded courier company. A person who receives a	
18	completed absentee ballot application from the individual who has	
19	applied for the absentee ballot shall file the application with the	
20	appropriate county election board not later than:	
21	(1) noon seven (7) days after the person receives the	
22	application; or	
23	(2) the deadline set by Indiana law for filing the application	
24	with the board;	
25	whichever occurs first.	
26	(h) This subsection does not apply to an employee of the United	
27	States Postal Service or a bonded courier company acting in the	
28	individual's capacity as an employee of the United States Postal	V
29	Service or a bonded courier company. A person filing an absentee	
30	ballot application, other than the person's own absentee ballot	
31	application, must sign an affidavit at the time of filing the	
32	application. The affidavit must be in a form prescribed by the	
33	commission. The form must include the following:	
34	(1) A statement of the full name, residence and mailing	
35	address, and daytime and evening telephone numbers (if any)	
36	of the person submitting the application.	
37	(2) A statement that the person filing the affidavit has	
38	complied with Indiana laws governing the submission of	
39	absentee ballot applications.	
40	(3) A statement that the person has no knowledge or reason to	
41	believe that the individual whose application is to be filed:	
12	(A) is incligible to vote or to cast an absentee hallot, or	



1 2	<ul><li>(B) did not properly complete and sign the application.</li><li>(4) A statement that the person is executing the affidavit</li></ul>
3	under the penalties of perjury.
4	(5) A statement setting forth the penalties for perjury.
5	(i) The county election board shall record the date and time of
6	the filing of the affidavit.
7	SECTION 3. IC 3-11-4-3 IS AMENDED TO READ AS FOLLOWS
8	[EFFECTIVE JULY 1, 2005]: Sec. 3. (a) Except as provided in
9	subsection (b) and section 6 of this chapter, an application for an
10	absentee ballot must be received by the circuit court clerk (or, in a
11	county subject to IC 3-6-5.2, the director of the board of elections and
12	registration) not earlier than ninety (90) days before election day nor
13	later than the following:
14	(1) Noon on election day if the voter registers to vote under
15	IC 3-7-36-14.
16	(2) Noon on the day before election day if the voter completes the
17	application in the office of the circuit court clerk or is an absent
18	uniformed services voter or overseas voter who requests that the
19	ballot be transmitted by fax under section 6(h) of this chapter.
20	(3) Noon on the day before election day if:
21	(A) the application is a mailed, transmitted by fax, or hand
22	delivered application from a confined voter or voter caring for
23	a confined person; and
24	(B) the applicant requests that the absentee ballots be
25	delivered to the applicant by an absentee voter board.
26	(4) Midnight on the eighth day before election day if the
27	application:
28	(A) is a mailed application; or
29	(B) was transmitted by fax;
30	from other voters.
31	(b) This subsection applies to an absentee ballot application from a
32	confined voter or voter caring for a confined person that is sent by fax,
33	mailed, or hand delivered to the circuit court clerk of a county having
34	a consolidated city. An application subject to this subsection that is
35	sent by fax or hand delivered must be received by the circuit court clerk
36	not earlier than ninety (90) days before election day nor later than 10
37	p.m. on the fifth day before election day. An application subject to this
38	subsection that is mailed must be received by the circuit court clerk not
39	earlier than ninety (90) days before election day and not later than 10
40	p.m. on the eighth day before election day.
41	SECTION 4. IC 3-11-4-5.1 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.1. (a) The



1	commission shall prescribe the form of an application for an absentee
2	ballot.
3	(b) This subsection does not apply to the form for an absentee
4	ballot application to be submitted by an absent uniformed services
5	voter or overseas voter that contains a standardized oath for those
6	voters. The form of the application for an absentee ballot must do
7	all of the following:
8	(1) Require the applicant to swear to or affirm under the
9	penalties of perjury that all of the information set forth on the
10	application is true to the best of the applicant's knowledge and
11	belief.
12	(2) Require a person who assisted with the completion of the
13	application to swear to or affirm under the penalties of
14	perjury the statements set forth in section 2(e) of this chapter.
15	(3) Set forth the penalties for perjury.
16	(b) (c) The form prescribed by the commission shall require that a
17	voter who:
18	(1) requests an absentee ballot; and
19	(2) is eligible to vote in the precinct under IC 3-10-11 or
20	IC 3-10-12;
21	must include the affidavit required by IC 3-10-11 or a written
22	affirmation described in IC 3-10-12.
23	SECTION 5. IC 3-11-4-17.5 IS AMENDED TO READ AS
24	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.5. (a) Upon
25	receiving an application for an absentee ballot, the county election
26	board (or the absentee voter board in the office of the circuit court
27	clerk) shall determine if:
28	(1) the applicant is a voter of the precinct in which the applicant
29	resides, according to the records of the county voter registration
30	office;
31	(2) the information set forth on the application appears to be
32	true; and
33	(3) the application has been completed and filed in accordance
34	with Indiana and federal law.
35	If the members of the absentee voter board are unable to agree
36	about any of the determinations described in subdivisions (1)
37	through (3), the issue shall be referred to the county election board
38	for determination. If the application is submitted by a voter
39	wanting to cast an absentee ballot under IC 3-11-10-26, the voter
40	shall be permitted to cast an absentee ballot, and the voter's
41	absentee ballot shall be treated as a provisional ballot.
42	<b>(b)</b> If:



1	(1) the applicant is not a voter of the precinct according to the
2	registration record; or if
3	(2) the application as completed and filed:
4	(A) contains a false statement; or
5	(B) does not otherwise comply with this chapter), Indiana or
6	federal law;
7	as alleged under section 18.5 of this chapter, the county election
8	board shall deny the application.
9	(b) (c) This subsection applies after December 31, 2003, to an
10	absentee ballot application submitted by an absent uniformed services
11	voter or an overseas voter. In accordance with 42 U.S.C. 1973ff-1(d),
12	if the application is denied, the county election board shall provide the
13	voter with the reasons for the denial of the application. Unless the voter
14	is present when the board denies the application, the board shall send
15	a written notice stating the reasons for the denial to the voter. The
16	notice must be sent:
17	(1) not later than forty-eight (48) hours after the application is
18	denied; and
19	(2) to the voter at the address at which the voter requested that the
20	absentee ballot be mailed.
21	(c) This subsection applies after December 31, 2003. (d) If the
22	county election board determines that the applicant is a voter of the
23	precinct under subsection (a), the board shall then determine whether:
24	(1) the applicant was required to file any additional
25	documentation under IC 3-7-33-4.5; and
26	(2) the applicant has filed this documentation according to the
27	records of the county voter registration office.
28	If the applicant has not filed the required documentation, the county
29	election board shall approve the application if the application otherwise
30	complies with this chapter. The board shall add a notation to the
31	application and to the record compiled under section 17 of this chapter
32	indicating that the applicant will be required to provide additional
33	documentation to the county voter registration office under
34	IC 3-7-33-4.5 before the absentee ballot may be counted.
35	(d) (e) If the applicant:
36	(1) is a voter of the precinct according to the registration record;
37	(2) states on the application that the applicant resides at an
38	address that is within the same precinct but is not the same
39	address shown on the registration record; and
40	(3) after December 31, 2005, provides a voter identification
41	number on the application to permit transfer of registration under



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IC 3-7-13-13;

the county election board shall direct the county voter registration
office to transfer the applicant's voter registration address to the
address within the precinct shown on the application. The applicant's
application for an absentee ballot shall be approved if the applicant is
otherwise eligible to receive the ballot under this chapter.

SECTION 6. IC 3-11-4-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. (a) If a voter satisfies any of the following, qualifications described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail, the county election board shall, at the request of the voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application.

- (1) The voter will be absent from the county on election day.
- (2) The voter will be absent from the precinct of the voter's residence on election day because of service as:
  - (A) a precinct election officer under IC 3-6-6;
  - (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;
  - (C) a challenger or pollbook holder under IC 3-6-7; or
  - (D) a person employed by an election board to administer the election for which the absentee ballot is requested.
- (3) The voter will be confined on election day to the voter's residence, to a health care facility, or to a hospital because of an illness or injury.
- (4) The voter is a voter with disabilities.
- (5) The voter is an elderly voter.
  - (6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury.
  - (7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.
  - (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
  - (b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the







1	ballot will be processed as a provisional ballot. The commission shall
2	prescribe the form of this notice under IC 3-5-4-8.
3	(c) Except as provided in section 18.5 of this chapter, the ballot
4	shall be mailed:
5	(1) on the day of the receipt of the voter's application; or
6	(2) not more than five (5) days after the date of delivery of the
7	ballots under section 15 of this chapter;
8	whichever is later.
9	(d) In addition to the ballot mailed under subsection (c), the county
0	election board shall mail a special absentee ballot for overseas voters.
.1	(e) Except as provided in section 18.5 of this chapter, the ballot
2	described in subsection (d):
.3	(1) must be mailed:
4	(A) on the day of the receipt of the voter's application; or
.5	(B) not more than five (5) days after the latest date for delivery
6	of the ballots under section 13(b) of this chapter applicable to
.7	that election;
8	whichever is later; and
9	(2) may not be mailed after the absentee ballots described by
20	section 13(a) of this chapter have been delivered to the circuit
21	court clerk or the clerk's authorized deputy.
22	(f) This subsection applies after December 31, 2005. As required by
23	42 U.S.C. 15481, an election board must shall establish a voter
24	education program (specific to a paper ballot or optical scan ballot card
25	provided as an absentee ballot under this chapter) to notify a voter of
26	the effect of casting multiple votes for a single office.
27	(g) This subsection applies after December 31, 2005. As provided
28	by 42 U.S.C. 15481, when an absentee ballot is mailed under this
29	section, the mailing must include:
0	(1) information concerning the effect of casting multiple votes for
31	an office; and
32	(2) instructions on how to correct the ballot before the ballot is
3	cast and counted, including the issuance of replacement ballots.
4	SECTION 7. IC 3-11-4-18.5 IS ADDED TO THE INDIANA CODE
55	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
66	1, 2005]: Sec. 18.5. (a) Upon receipt of an absentee ballot
57	application, a member of the county election board or a member
8	of an absentee voter board may file an affidavit with the county
19	election board alleging that the application:
10	(1) was not submitted by a voter of the precinct;
11	(2) contains a false statement; or
. /	(3) has not been executed or filed in accordance with Indiana



1	or federal law.
2	(b) The affidavit must be in a form prescribed by the
3	commission and state the following:
4	(1) The name and title of the individual filing the affidavit.
5	(2) A brief statement of the facts known or believed by the
6	individual regarding why:
7	(A) the applicant is not a voter of the precinct;
8	(B) the application contains a false statement; or
9	(C) the application has not been executed or filed in
0	accordance with Indiana or federal law.
1	(3) That the individual is executing the affidavit under the
2	penalties of perjury.
3	(4) The penalties for perjury.
4	(c) Upon the filing of the affidavit, the approval or denial of the
5	application shall be referred to the county election board, which
6	shall promptly conduct a hearing on the matter.
7	(d) The county election board may act under IC 3-6-5-31 to
8	refer the matter to the appropriate prosecuting attorney.
9	SECTION 8. IC 3-11-4-21 IS AMENDED TO READ AS
0	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 21. (a) On the other
1	side of the envelope required by section 20 of this chapter shall be
2	printed an affidavit in conformity with 42 U.S.C. 1973ff-1(b),
3	providing that the voter affirms under penalty of perjury that the
4	following information is true:
5	(1) The name of the precinct and township (or ward and city or
6	town).
7	(2) That the voter is:
8	(A) a resident of; or
9	(B) entitled under IC 3-10-11 or IC 3-10-12 to vote in;
0	the precinct.
1	(3) The voter's complete residence address, including the name of
2	the city or town and county.
3	(4) That the voter is entitled to vote in the precinct, the type of
4	election to be held, and the date of the election.
5	(5) That:
6	(A) the voter has personally marked the enclosed ballot or
7	ballots in secret and has enclosed them in this envelope and
8	sealed them without exhibiting them to any other person;
9	(B) the voter personally marked the enclosed ballot or ballots,
10	enclosed them in this envelope, and sealed them with the
1	assistance of an individual whose name is listed on the
12	envelope and who affirms under penalty of perjury that the



1	voter was not coerced or improperly influenced by the
2	individual assisting the voter or any other person, in a manner
3	prohibited by state or federal law, to cast the ballot for or
4	against any candidate, political party, or public question; or
5	(C) as the properly authorized attorney in fact for the
6	undersigned under IC 30-5-5-14, the attorney in fact affirms
7	the voter personally marked the enclosed ballot or ballots in
8	secret and enclosed them in this envelope and sealed them
9	without exhibiting them to the attorney in fact or to any other
0	person.
.1	(6) The date and the voter's signature.
2	(b) If the affidavit is signed by an attorney in fact, the name of the
3	attorney in fact must be indicated.
4	(c) A guardian or conservator of an individual may not sign an
.5	affidavit for the individual under this section unless the guardian or
6	conservator also holds a power of attorney authorizing the guardian or
7	conservator to sign the affidavit.
.8	(d) The side of the envelope containing this affidavit must also
9	set forth the penalties for perjury.
20	SECTION 9. IC 3-11-10-1 IS AMENDED TO READ AS
21	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A voter voting by
22	absentee ballot shall make and subscribe to the affidavit prescribed by
23	IC 3-11-4-21. The voter then shall, except as provided in subsection
24	(b), do the following:
25	(1) Mark the ballot in the presence of no other person.
26	(2) Fold each ballot separately.
27	(3) Fold each ballot so as to conceal the marking.
28	(4) Enclose each ballot, with the seal and signature of the circuit
29	court clerk on the outside, together with any unused ballot, in the
0	envelope provided.
31	(5) Securely seal the envelope.
32	(6) Do one (1) of the following:
3	(A) Mail the envelope to the county election board, with not
4	more than one (1) ballot per envelope.
55	(B) Deliver the envelope to the county election board in
66	person.
57	(C) Deliver the envelope to a member of the voter's household
8	or a person designated as the attorney in fact for the voter
9	under IC 30-5 for delivery to the county election board:
10	(i) in person;
1	(ii) by United States mail; or
.2	(iii) hy a honded courier company



1	(b) A voter permitted to transmit the voter's absentee ballots by fax
2	under IC 3-11-4-6 is not required to comply with subsection (a). The
3	individual designated by the circuit court clerk to receive absentee
4	ballots transmitted by fax shall do the following upon receipt of an
5	absentee ballot transmitted by fax:
6	(1) Note the receipt of the absentee ballot in the records of the
7	circuit court clerk as other absentee ballots received by the circuit
8	court clerk are noted.
9	(2) Fold each ballot received from the voter separately so as to
10	conceal the marking.
11	(3) Enclose each ballot in a blank absentee ballot envelope.
12	(4) Securely seal the envelope.
13	(5) Mark on the envelope: "Absentee Ballot Received by Fax".
14	(6) Securely attach to the envelope the faxed affidavit received
15	with the voter's absentee ballots.
16	(c) Except as otherwise provided in this title, absentee ballots
17	received by fax shall be handled and processed as other absentee
18	ballots received by the circuit court clerk are handled and processed.
19	SECTION 10. IC 3-11-10-2 IS AMENDED TO READ AS
20	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) A voter voting by
21	absentee ballot may mark a ballot with a pen or a lead pencil.
22	(b) A person may not engage in electioneering (as defined in
23	IC 3-14-3-16) in the presence of a voter whom the person knows
24	possesses an absentee ballot provided to the voter in accordance
25	with Indiana law.
26	SECTION 11. IC 3-11-10-24 IS AMENDED TO READ AS
27	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 24. (a) Except as
28	provided in subsection (b), a voter who satisfies any of the following
29	is entitled to vote by mail:
30	(1) The voter will be has a specific, reasonable expectation of
31	being absent from the county on election day during the entire
32	twelve (12) hours that the polls are open.
33	(2) The voter will be absent from the precinct of the voter's
34	residence on election day because of service as:
35	(A) a precinct election officer under IC 3-6-6;
36	(B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;
37	(C) a challenger or pollbook holder under IC 3-6-7; or
38	(D) a person employed by an election board to administer the
39	election for which the absentee ballot is requested.
40	(3) The voter will be confined on election day to the voter's
41	residence, to a health care facility, or to a hospital because of an

illness or injury during the entire twelve (12) hours that the



1	polls are open.
2	(4) The voter is a voter with disabilities.
3	(5) The voter is an elderly voter.
4	(6) The voter is prevented from voting due to the voter's care of
5	an individual confined to a private residence because of illness or
6	injury during the entire twelve (12) hours that the polls are
7	open.
8	(7) The voter is scheduled to work at the person's regular place of
9	employment during the entire twelve (12) hours that the polls are
10	open.
11	(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
12	(9) The voter is prevented from voting due to observance of a
13	religious discipline or religious holiday during the entire
14	twelve (12) hours that the polls are open.
15	(10) The voter is an address confidentiality program
16	participant (as defined in IC 5-26.5-1-6).
17	(b) A voter with disabilities who:
18	(1) is unable to make a voting mark on the ballot or sign the
19	absentee ballot secrecy envelope; and
20	(2) requests that the absentee ballot be delivered to an address
21	within Indiana;
22	must vote before an absentee voter board under section 25(b) of this
23	chapter.
24	(c) If a voter receives an absentee ballot by mail, the voter shall
25	personally mark the ballot in secret and seal the marked ballot
26	inside the envelope provided by the county election board for that
27	purpose. The voter shall:
28	(1) deposit the sealed envelope in the United States mail for
29	delivery to the county election board; or
30	(2) authorize a member of the voter's household or the
31	individual designated as the voter's attorney in fact to:
32	(A) deposit the sealed envelope in the United States mail;
33	or
34	(B) deliver the sealed envelope in person to the county
35	election board.
36	(d) If a member of the voter's household or the voter's attorney
37	in fact delivers the sealed envelope containing a voter's absentee
38	ballot to the county election board, the individual delivering the
39	ballot shall complete an affidavit in a form prescribed by the
40	commission. The affidavit must contain the following information:
41	(1) The name and residence address of the voter whose



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absentee ballot is being delivered.

1	(2) A statement of the full name, residence and mailing	
2	address, and daytime and evening telephone numbers (if any)	
3	of the individual delivering the absentee ballot.	
4	(3) A statement indicating whether the individual delivering	
5	the absentee ballot is a member of the voter's household or is	
6	the attorney in fact for the voter. If the individual is the	
7	attorney in fact for the voter, the individual must attach a	
8	copy of the power of attorney for the voter, unless a copy of	
9	this document has already been filed with the county election	
10	board.	
11	(4) The date and location at which the absentee ballot was	
12	delivered by the voter to the individual delivering the ballot	
13	to the county election board.	
14	(5) A statement that the individual delivering the absentee	
15	ballot has complied with Indiana laws governing absentee	
16	ballots.	
17	(6) A statement that the individual delivering the absentee	
18	ballot is executing the affidavit under the penalties of perjury.	
19	(7) A statement setting forth the penalties for perjury.	
20	(e) The county election board shall record the date and time that	
21	the affidavit under subsection (d) was filed with the board.	
22	(e) (f) After a voter has mailed or delivered an absentee ballot to	
23	the office of the circuit court clerk, the voter may not recast a ballot,	
24	except as provided in:	
25	(1) section 1.5 of this chapter; or	
26	(2) section 33 of this chapter.	
27	SECTION 12. IC 3-11-10-25 IS AMENDED TO READ AS	
28	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25. (a) A voter who	
29	votes by absentee ballot because of:	
30	(1) illness or injury; or	
31	(2) caring for a confined person at a private residence;	
32	and who is within the county on election day may vote before an	
33	absentee voter board or by mail.	
34	(b) If requested by a voter described in subsection (a) or by a voter	
35	with disabilities whose precinct is not accessible to voters with	
36	disabilities, an absentee voter board shall visit the voter's place of	
37	confinement, the residence of the voter with disabilities, or the private	
38	residence:	
39	(1) during the regular office hours of the circuit court clerk;	
40	(2) at a time agreed to by the board and the voter;	

(3) on any of the twelve (12) days immediately before election



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day; and

1	(4) only once before an election, unless:
2	(A) the confined voter is unavailable at the time of the board's
3	first visit due to a medical emergency; or
4	(B) the board, in its discretion, decides to make an additional
5	visit.
6	(c) This subsection applies to a voter confined due to illness or
7	injury. An absentee voter board may not be denied access to the voter's
8	place of confinement if the board is present at the place of confinement
9	at a time:
10	(1) agreed to by the board and the voter; and
11	(2) during the regular office hours of the circuit court clerk. A
12	person who knowingly violates this subsection commits
13	obstruction or interference with an election officer in the
14	discharge of the officer's duty, a violation of IC 3-14-3-4.
15	(d) The county election board, by unanimous vote of the board's
16	entire membership, may authorize an absentee voter board to visit a
17	voter who is confined due to illness or injury and will be outside of the
18	county on election day in accordance with the procedures set forth in
19	subsection (b).
20	(e) This subsection applies after December 31, 2005. As provided
21	by 42 U.S.C. 15481, a voter casting an absentee ballot under this
22	section must be:
23	(1) permitted to verify in a private and independent manner the
24	votes selected by the voter before the ballot is cast and counted;
25	(2) provided with the opportunity to change the ballot or correct
26	any error in a private and independent manner before the ballot is
27	cast and counted, including the opportunity to receive a
28	replacement ballot if the voter is otherwise unable to change or
29	correct the ballot; and
30	(3) notified before the ballot is cast regarding the effect of casting
31	multiple votes for the office and provided an opportunity to
32	correct the ballot before the ballot is cast and counted.
33	(f) This subsection applies after December 31, 2005. As provided
34	by 42 U.S.C. 15481, when an absentee ballot is provided under this
35	section, the board must also provide the voter with:
36	(1) information concerning the effect of casting multiple votes for
37	an office; and
38	(2) instructions on how to correct the ballot before the ballot is
39	cast and counted, including the issuance of replacement ballots.
40	(g) This subsection applies to a voter who applies to vote an
41	absentee ballot by mail. The county election board shall include a

copy of the Absentee Voter's Bill of Rights with any absentee ballot



1	mailed to the voter.
2	SECTION 13. IC 3-12-6-21.9 IS AMENDED TO READ AS
3	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 21.9. (a) Except as
4	provided in subsection (c), a recount for nomination to an office
5	conducted under this chapter shall be completed not later than the final
6	Friday in June following the primary.
7	(b) Except as provided in subsection (c), a recount for election to
8	an office conducted under this chapter shall be completed not later than
9	December 20 following the election.
10	(c) The court that appointed the commission may issue an order
11	to extend the deadline under this section to a specific date if the
12	court finds that there is good cause to do so.
13	SECTION 14. IC 3-12-11-17.7 IS AMENDED TO READ AS
14	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.7. (a) This section
15	applies to ballots cast by any voting method.
16	(a) (b) Unless the state recount commission makes a finding under
17	subsection (b), (c), the commission shall:
18	(1) count ballots in accordance with this article; and
19	(2) not order that all ballots in a precinct not be counted.
20	(b) (c) If:
21	(1) a party to the recount presents evidence of fraud, tampering,
22	or misconduct affecting the integrity of the ballot within a
23	precinct; and
24	(2) the commission determines that the fraud, tampering, or
25	misconduct within that precinct was so pervasive that it is
26	impossible for the commission to determine the approximate
27	number of votes that each candidate received in that precinct;
28	the commission may order that none of the ballots from that precinct
29	be counted.
30	SECTION 15. IC 3-12-11-21 IS AMENDED TO READ AS
31	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 21. (a) Except as
32	provided in subsection (b), a recount or contest for election to a
33	legislative office shall be completed by the state recount commission
34	before December 20 after the election.
35	(b) The state recount commission may adopt orders extending
36	the deadline for completion of a recount or contest to a date
37	specified in the order if the commission finds that there is good
38	cause to do so.
39	(b) Before December 20 (c) Not later than seven (7) days after the
40	election, state recount commission completes a recount, the election
41	division shall prepare two (2) certified statements showing the total

number of votes that each candidate received. The election division



1	shall transmit one (1) statement to the candidate receiving the highest	
2	number of votes for the office. Before December 20 after the election,	
3	After the statements have been prepared, the secretary of state shall	
4	deliver the other statement to the presiding officer of the house in	
5	which the successful candidate is to be seated.	
6	(c) (d) The statement shall be referred by the presiding officer for	
7	such action as that house considers appropriate.	
8	SECTION 16. IC 3-14-2-1 IS AMENDED TO READ AS	
9	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. A person who	_
10	recklessly writes the name of a voter on an affidavit of registration	
11	without being personally acquainted with the voter and knowing the	
12	voter to be the person who the voter represents the voter to be commits	•
13	a Class A misdemeanor. knowingly does any of the following	
14	commits a Class D felony:	
15	(1) Conspires with an individual for the purpose of	
16	encouraging the individual to submit a false application for	
17	registration.	
18	(2) Conspires with an individual for the purpose of	
19	encouraging the individual to vote illegally.	
20	(3) Pays or offers to pay an individual for doing any of the	
21	following:	
22	(A) Applying for an absentee ballot.	
23	(B) Casting an absentee ballot.	
24	(C) Registering to vote.	
25	(D) Voting.	
26	(4) Accepts the payment of any property for doing any of the	
27	following:	7
28	(A) Applying for an absentee ballot.	1
29	(B) Casting an absentee ballot.	
30	(C) Registering to vote.	
31	(D) Voting.	
32	SECTION 17. IC 3-14-2-2.5 IS ADDED TO THE INDIANA CODE	
33	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY	
34	1, 2005]: Sec. 2.5. A person who does either of the following,	
35	knowing that an individual is ineligible to register to vote or to	
36	vote, commits absentee ballot fraud, a Class D felony:	
37	(1) Solicits the individual to complete an absentee ballot	
38	application.	
39	(2) Solicits the individual to submit an absentee ballot	
40	application to a county election board.	
41	SECTION 18. IC 3-14-2-3 IS AMENDED TO READ AS	
42	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. A person who:	



1	(1) subscribes the name of another person to an affidavit of	
2	registration or application for an absentee ballot knowing that	
3	the application contains a false statement; or	
4	(2) subscribes the name of another person to an affidavit of	
5	registration or application for an absentee ballot without	
6	writing on it the person's own name and address as an attesting	
7	witness;	
8	commits a Class A misdemeanor. Class D felony.	
9	SECTION 19. IC 3-14-2-5 IS AMENDED TO READ AS	
10	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) A person who	
11	recklessly destroys or fails to deliver an absentee ballot application	
12	to the proper officer after the application has been executed by	
13	another individual in accordance with IC 3-11-4 commits a Class	
14	A misdemeanor.	
15	(b) A person who recklessly destroys or fails to file or deliver to the	
16	proper officer a registration affidavit or form of registration after it the	
17	affidavit or form has been executed commits a Class A misdemeanor.	
18	SECTION 20. IC 3-14-2-13 IS AMENDED TO READ AS	
19	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. A person who	
20	knowingly hires or solicits another person	
21	(1) to come into Indiana; or	
22	(2) to go from one precinct into another a precinct	
23	for the purpose of voting at an election at the precinct when the person	
24	hired or solicited is not a voter in Indiana or the precinct commits a	
25	Class D felony.	
26	SECTION 21. IC 3-14-2-15 IS AMENDED TO READ AS	
27	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. A member, of the	•
28	commission, an employee of the commission, or a member, an	
29	employee, or an agent of a county election board who knowingly	
30	delivers a ballot to a person except in the manner prescribed by this	
31	title commits a Class D felony.	
32	SECTION 22. IC 3-14-2-16 IS AMENDED TO READ AS	
33	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. A person who	
34	knowingly does any of the following commits a Class D felony:	
35	(1) Applies for or receives a ballot in a precinct other than that	
36	precinct in which the person is entitled to vote.	
37	(2) Except when receiving assistance under IC 3-11-9, shows a	
38	ballot after it is marked to another person in such a way as to	
39	reveal the contents of it or the name of a candidate for whom the	
40	person has voted.	
41	(3) Except when offering assistance requested by a voter in	

accordance with IC 3-11-9, examines a ballot that a voter has



1	prepared for voting or solicits the voter to show the ballot.	
2	(4) Receives from a voter a ballot prepared by the voter for	
3	voting, except:	
4	(A) the inspector;	
5	(B) a member of the precinct election board temporarily acting	
6	for the inspector;	
7	(C) a member or an employee of a county election board	
8	(acting under the authority of the board and state law) or	
9	an absentee voter board member acting under IC 3-11-10; or	
10	(D) a member of the voter's household, or an individual	
11	designated as attorney in fact for the voter, or an employee of:	
12	(i) the United States Postal Service; or	
13	(ii) a bonded courier company;	
14	(acting in the individual's capacity as an employee of the	
15	United States Postal Service or a bonded courier company)	_
16	when delivering an envelope containing an absentee ballot	
17	under IC 3-11-10-1.	•
18	(5) Receives a ballot from a person other than one of the poll	
19	clerks or authorized assistant poll clerks.	
20	(6) Delivers a ballot to a voter to be voted, unless the person is:	
21	(A) a poll clerk or authorized assistant poll clerk; or	
22	(B) a member of a county election board or an absentee voter	
23	board acting under IC 3-11-10.	
24	(7) Delivers a ballot (other than an absentee ballot) to an inspector	_
25	that is not the ballot the voter receives from the poll clerk or	
26	assistant poll clerk.	_
27	(8) Delivers an absentee ballot to a team of absentee ballot	
28	counters appointed under IC 3-11.5-4-22, a county election board,	\
29	a circuit court clerk, or an absentee voting board under IC 3-11-10	
30	that is not the ballot cast by the absentee voter.	
31	(9) Delivers an absentee ballot prepared by the voter for	
32	voting to a county election board, except for:	
33	(A) the inspector;	
34	(B) a member of the precinct election board temporarily	
35	acting for the inspector;	
36	(C) a member or an employee of a county election board	
37	(acting under the authority of the board and in accordance	
38	with state law) or an absentee voter board member acting	
39	under IC 3-11-10; or	
40	(D) a member of the voter's household or an individual	
41	designated as attorney in fact for the voter, an employee	
42	of:	



1	(i) the United States Postal Service; or	
2	(ii) a bonded courier company;	
3	(acting in the individual's capacity as an employee of the	
4	United States Postal Service or a bonded courier company)	
5	when delivering an envelope containing an absentee ballot	
6	under IC 3-11-10-1.	
7	(10) Possesses an unmarked absentee ballot on or before the	
8	date of the election for which the absentee ballot has been	
9	printed, unless the person is authorized to possess the	
10	absentee ballot under this title as any of the following:	
11	(A) A printer, when arranging for the delivery of	
12	unmarked absentee ballots to a county election board	
13	under IC 3-11-2.	
14	(B) A county election board member or employee (acting	
15	under the authority of the board and in accordance with	
16	state law).	
17	(C) An absentee voter board member.	
18	(D) An employee of:	
19	(i) the United States Postal Service; or	
20	(ii) a bonded courier company;	
21	(acting in the individual's capacity as an employee of the	
22	United States Postal Service or a bonded courier company)	
23	when delivering an envelope containing an absentee ballot.	
24	(E) An individual authorized under IC 3-11-10-24 to	
25	deliver an absentee ballot.	
26	(F) An absentee ballot counter under IC 3-11.5.	
27	(G) A provisional ballot counter.	
28	(H) A precinct election officer.	V
29	(I) The voter who applied for the absentee ballot.	
30	(11) Completes or signs an absentee ballot application for a	
31	voter, or assists a voter in completing an absentee ballot	
32	application in violation of IC 3-11.	
33	SECTION 23. IC 3-14-2-18 IS AMENDED TO READ AS	
34	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. A voter who	
35	knowingly:	
36	(1) does anything to enable any other person to see or know for	
37	what ticket, candidates, or public questions the voter has voted on	
38	a voting machine; system; or	
39	(2) moves into a position, or does any other thing, to enable the	
40	voter to see or know for what ticket, candidates, or public	
41	questions any other votes on a voting machine; system;	
42	commits a Class D felony.	



1	SECTION 24. IC 3-14-2-24 IS AMENDED TO READ AS	
2	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 24. A person who:	
3	(1) takes a ballot legally deposited out of a ballot box or out of a	
4	voting system for the purpose of destroying it the ballot or	
5	substituting another ballot in its place;	
6	(2) destroys or misplaces a ballot with the intent to substitute	
7	another ballot for it or with the intent to prevent it from being	
8	counted; or	
9	(3) knowingly enters upon the pollbooks the name of a person	
10	who has not legally voted or knowingly tallies a vote for a	4
11	candidate or on a public question not voted for by the ballot;	
12	commits a Class D felony.	
13	SECTION 25. IC 3-14-2-26 IS AMENDED TO READ AS	
14	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 26. A person who:	
15	(1) during the progress of an election or within the time for	
16	preparation required under this title, knowingly breaks open or	4
17	violates the seal or lock of a ballot box, envelope, container, or	
18	bag, or voting system component in which ballots have been	
19	deposited;	
20	(2) knowingly obtains a ballot box, envelope, container, or bag, or	
21	voting system component that contains ballots and cancels,	
22	withholds, or destroys a ballot;	
23	(3) knowingly increases or decreases the number of ballots legally	
24	deposited in a ballot box, envelope, container, or bag, or voting	
25	system component; or	
26	(4) knowingly makes a fraudulent erasure or alteration on a tally	
27	sheet, poll book, list of voters, or election return deposited in a	
28	ballot box, envelope, or bag, or voting system component;	1
29	commits a Class D felony.	
30	SECTION 26. IC 3-14-2-29 IS AMENDED TO READ AS	
31	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 29. A person who	
32	knowingly inspects a voting machine or electronic voting system under	
33	IC 3-12-4-18 without obtaining authorization from the state recount	
34	commission to conduct the inspection commits a Class D felony.	
35	SECTION 27. IC 3-14-3-1.1 IS ADDED TO THE INDIANA CODE	
36	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY	
37	1, 2005]: Sec. 1.1. A person who knowingly does any of the	
38	following commits a Class D felony:	
39	(1) Procures or submits voter registration applications known	
40	by the person to be materially false, fictitious, or fraudulent.	
41	(2) Procures, casts, or tabulates ballots known by the person	
42	to be materially false, fictitious, or fraudulent.	



1	SECTION 28. IC 3-14-3-4 IS AMENDED TO READ AS	
2	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) A person who:	
3	(1) knowingly obstructs or interferes with an election officer in	
4	the discharge of the officer's duty; or	
5	(2) knowingly obstructs or interferes with a voter within fifty (50)	
6	feet of the polls; chute;	
7	commits a Class D felony.	
8	(b) A person who knowingly injures an election officer or a	
9	voter:	
10	(1) in the exercise of the officer's or voter's rights or duties; or	
11	(2) because the officer or voter has exercised the officer's or	•
12	voter's rights or duties;	
13	commits a Class D felony.	
14	(b) (c) A person called as a witness to testify against another for a	
15	violation of this section is a competent witness to prove the offense	
16	even though the person may have been a party to the violation. and The	
17	person shall be compelled to testify as other witnesses. However, the	
18	person's evidence may not be used against the person in a prosecution	
19	growing out of matters about which the person testifies, and the person	
20	is not liable to indictment or information for the offense.	
21	SECTION 29. IC 3-14-3-7 IS AMENDED TO READ AS	
22	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. An inspector or poll	
23	clerk in a precinct who, for the purpose of:	
24	(1) deceiving a voter;	
25	(2) causing it to be doubtful for what ticket, candidate, or public	
26	question a vote is cast; or	
27	(3) causing it to appear that votes cast for one (1) ticket,	- 1
28	candidate, or public question were cast for another ticket,	- 1
29	candidate, or public question;	
30	removes, changes, or mutilates a ballot label on a voting machine	
31	system or any part thereof of a voting system commits a Class D	
32	felony.	
33	SECTION 30. IC 3-14-3-16 IS AMENDED TO READ AS	
34	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) As used in this	
35	section, "electioneering" includes expressing support or opposition to	
36	any candidate or political party or expressing approval or disapproval	
37	of any public question in any manner that could reasonably be expected	
38	to convey that support or opposition to another individual.	
39	(b) A person who knowingly does any electioneering:	
40	(1) on election day within:	
41	(A) the polls; or	
42	(B) the chute; <del>or</del>	



1	(2) within an area in the office of the circuit court clerk or a
2	satellite office of the circuit court clerk established under
3	IC 3-11-10-26.3 used by an absentee voter board to permit an
4	individual to cast an absentee ballot; or
5	(3) except for a voter who is:
6	(A) the person's spouse;
7	(B) an incapacitated person (as defined in IC 29-3-1-7.5)
8	for whom the person has been appointed the guardian (as
9	defined in IC 29-3-1-6); or
10	(C) a member of the person's household;
11	in the presence of a voter whom the person knows possesses
12	an absentee ballot provided to the voter in accordance with
13	Indiana law;
14	commits a Class A misdemeanor.
15	SECTION 31. IC 3-14-3-18 IS AMENDED TO READ AS
16	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. (a) As used in this
17	section, "candidate" includes an individual whom the person knows is
18	considering becoming a candidate.
19	(b) A person who, for the purpose of influencing a voter or
20	candidate, does any of the following commits a Class D felony:
21	(1) Seeks to enforce the payment of a debt by force or threat of
22	force.
23	(2) Ejects or threatens to eject the voter or candidate from a house
24	the voter or candidate occupies.
25	(3) Begins a criminal prosecution. or
26	(4) Damages the business or trade of the voter or candidate.
27	commits a Class D felony.
28	(5) Communicates a threat to commit a forcible felony (as
29	defined in IC 35-41-1-11) against a voter or candidate with the
30	intent that the voter or candidate:
31	(A) engage in conduct against the voter's or candidate's
32	will; or
33	(B) be placed in fear of retaliation for a prior lawful act as
34	a voter or candidate.
35	SECTION 32. IC 3-14-3-19 IS AMENDED TO READ AS
36	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. A person who, for
37	the purpose of inducing or procuring another person to:
38	(1) apply for or cast an absentee ballot; or
39	(2) vote or refrain from voting for or against a candidate or for or
40	against a public question at an election or political convention;
41	gives, offers, or promises to any person any money or other property
42	commits a Class D felony.



1	SECTION 33. IC 3-14-3-20 IS AMENDED TO READ AS	
2	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 20. A person who, for	
3	the purpose of inducing or procuring a voter to:	
4	(1) apply for or cast an absentee ballot; or	
5	(2) vote or refrain from voting for or against a candidate or for or	
6	against a public question at an election or political convention;	
7	receives, accepts, requests, or solicits from any person any money or	
8	other property commits a Class D felony.	
9	SECTION 34. IC 3-14-3-20.5 IS ADDED TO THE INDIANA	
10	CODE AS A <b>NEW</b> SECTION TO READ AS FOLLOWS	
11	[EFFECTIVE JULY 1, 2005]: Sec. 20.5. (a) This section does not	•
12	apply to activity subject to 18 U.S.C. 1341.	
13	(b) An individual who knowingly:	
14	(1) conspires to obtain property the individual would be	
15	entitled to receive as compensation for serving as an elected	_
16	official by securing false or fraudulent absentee ballot	
17	applications or voter registration applications; and	
18	(2) for the purpose of executing the conspiracy:	
19	(A) causes the applications to be sent or delivered by a	
20	private or commercial carrier operating entirely within	
21	Indiana; or	
22	(B) takes or receives from the private or commercial	
23	carrier the false or fraudulent applications, or causes the	
24	applications to be delivered by the carrier to another	_
25	person;	
26	commits a Class D felony.	_
27	SECTION 35. IC 3-14-3-21.5 IS ADDED TO THE INDIANA	
28	CODE AS A <b>NEW</b> SECTION TO READ AS FOLLOWS	
29	[EFFECTIVE JULY 1, 2005]: Sec. 21.5. A person who knowingly or	
30	intentionally intimidates, threatens, or coerces an individual for:	
31	(1) voting or attempting to vote;	
32	(2) urging or aiding another individual to vote or attempt to	
33	vote; or	
34	(3) exercising any power or duty under this title concerning	
35	registration or voting;	
36	commits voter intimidation, a Class D felony.	
37	SECTION 36. IC 35-44-1-1 IS AMENDED TO READ AS	
38	FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A person who:	
39	(1) confers, offers, or agrees to confer on a public servant, either	
40	before or after the public servant becomes appointed, elected, or	
41	qualified, any property except property the public servant is	
42	authorized by law to accept, with intent to control the	



1	performance of an act related to the employment or function of
2	the public servant;
3	(2) being a public servant, solicits, accepts, or agrees to accept,
4	either before or after he the person becomes appointed, elected,
5	or qualified, any property, except property he the person is
6	authorized by law to accept, with intent to control the
7	performance of an act related to his the person's employment or
8	function as a public servant;
9	(3) confers, offers, or agrees to confer on a person any property,
.0	except property the person is authorized by law to accept, with
. 1	intent to cause that person to control the performance of an act
.2	related to the employment or function of a public servant;
.3	(4) solicits, accepts, or agrees to accept any property, except
4	property he the person is authorized by law to accept, with intent
.5	to control the performance of an act related to the employment or
.6	function of a public servant;
.7	(5) confers, offers, or agrees to confer any property on a person
8	participating or officiating in, or connected with, an athletic
9	contest, sporting event, or exhibition, with intent that the person
20	will fail to use his the person's best efforts in connection with
21	that contest, event, or exhibition;
22	(6) being a person participating or officiating in, or connected
23	with, an athletic contest, sporting event, or exhibition, solicits,
24	accepts, or agrees to accept any property with intent that he the
25	person will fail to use his the person's best efforts in connection
26	with that contest, event, or exhibition;
27	(7) being a witness or informant in an official proceeding or
28	investigation, solicits, accepts, or agrees to accept any property,
29	with intent to:
30	(i) (A) withhold any testimony, information, document, or
1	thing;
32	(ii) (B) avoid legal process summoning him the person to
33	testify or supply evidence; or
34	(iii) (C) absent himself the person from the proceeding or
35	investigation to which he the person has been legally
36	summoned; <del>or</del>
37	(8) confers, offers, or agrees to confer any property on a witness
88	or informant in an official proceeding or investigation, with intent
19	that the witness or informant:
10	(i) (A) withhold any testimony, information, document, or
1	thing;
12	(ii) (B) avoid legal process summoning the witness or



1	informant to testify or supply evidence; or	
2	(iii) (C) absent himself the person from any proceeding or	
3	investigation to which the witness or informant has been	
4	legally summoned; or	
5	(9) confers or offers or agrees to confer any property on an	
6	individual for:	
7	(A) casting a ballot or refraining from casting a ballot; or	
8	(B) voting for a political party, for a candidate, or for or	
9	against a public question;	
0	in an election described in IC 3-5-1-2 or at a convention of a	
.1	political party authorized under IC 3;	
2	commits bribery, a Class C felony.	
3	(b) It is no defense that the person whom the accused person sought	
4	to control was not qualified to act in the desired way.	
.5	SECTION 37. [EFFECTIVE JULY 1, 2005] (a) The definitions in	
6	IC 3-5-2 apply throughout this SECTION.	
7	(b) Not later than September 1, 2005, the commission shall act	
.8	under IC 3-5-4-8 to prescribe absentee ballot application forms	
9	that comply with IC 3-11, as amended by this act.	
20	(c) This subsection does not apply to an absentee ballot	
21	application form prescribed by the commission for use by an	
22	absent uniformed services voter or overseas voter. An absentee	
23	ballot application form prescribed by the commission before	
24	September 1, 2005, may not be used or accepted by a county	_
25	election board after August 31, 2004.	
26	(d) This SECTION expires January 1, 2006.	
		V



## SENATE MOTION

Madam President: I move that Senator Waterman be added as coauthor of Senate Bill 15.

LAWSON C

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### COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill No. 15, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, between lines 2 and 3, begin a new paragraph and insert: "SECTION 3. IC 3-11-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) Except as provided in subsection (b) and section 6 of this chapter, an application for an absentee ballot must be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of the board of elections and registration) not earlier than ninety (90) days before election day nor later than the following:

- (1) Noon on election day if the voter registers to vote under IC 3-7-36-14.
- (2) Noon on the day before election day if the voter completes the application in the office of the circuit court clerk or is an absent uniformed services voter or overseas voter who requests that the ballot be transmitted by fax under section 6(h) of this chapter.
- (3) Noon on the day before election day if:
  - (A) the application is a mailed or hand delivered application from a confined voter or voter caring for a confined person; and
  - (B) the applicant requests that the absentee ballots be delivered to the applicant by an absentee voter board.
- (4) Midnight on the eighth day before election day if the application:
  - (A) is a mailed application; or
  - (B) was transmitted by fax;

from other voters.

(b) This subsection applies to an absentee ballot application from a confined voter or voter earing for a confined person that is sent by fax, mailed, or hand delivered to the circuit court clerk of a county having a consolidated city. An application subject to this subsection that is sent by fax or hand delivered must be received by the circuit court clerk not earlier than ninety (90) days before election day nor later than 10 p.m. on the fifth day before election day. An application subject to this subsection that is mailed must be received by the circuit court clerk not earlier than ninety (90) days before election day and not later than 10 p.m. on the eighth day before election day."

Page 10, between lines 24 and 25, begin a new line block indented











and insert:

"(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).".

Page 16, line 12, after "member" insert ",".

Page 16, line 12, strike "of the".

Page 16, line 13, strike "commission, an employee".

Page 16, line 13, delete "or agent".

Page 16, line 13, strike "of the".

Page 16, line 13, delete "election".

Page 16, line 14, delete "division,".

Page 16, line 14, strike "or a member," and insert "an".

Page 16, line 14, before "agent" insert "an".

Page 16, line 34, after "member" insert "or an employee".

Page 16, line 34, after "board" insert "(acting under the authority of the board and state law)".

Page 16, line 35, after "board" insert "member".

Page 16, line 37, delete "or".

Page 16, line 37, after "of" insert ":

(i)".

Page 16, line 38, delete "Service," and insert "Service; or

(ii) a bonded courier company;

(acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company)".

Page 17, line 16, after "member" insert "or an employee".

Page 17, line 16, after "board" insert "(acting under the authority of the board and in accordance with state law)".

Page 17, line 17, after "board" insert "member".

Page 17, line 19, delete "or".

Page 17, line 20, after "of" insert ":

(i)".

Page 17, line 20, delete "Service," and insert "Service; or

(ii) a bonded courier company;

(acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company)".

Page 17, line 26, delete "printer or the election division," and insert "**printer**,".

Page 17, line 29, delete "member." and insert "member or employee (acting under the authority of the board and in accordance with state law.)".

Page 17, line 31, after "of" insert ":

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(i)".

Page 17, line 31, after "Service" insert "; or

(ii) a bonded courier company; (acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company)".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 15 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 6, Nays 2.

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### SENATE MOTION

Madam President: I move that Senate Bill 15 be amended to read as follows:

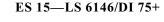
Page 4, line 17, after "mailed," insert ", transmitted by fax,".

Page 6, line 20, delete "(d)".

Page 6, line 20, after "2003." insert "(d)".

Page 10, between lines 18 and 19, begin a new paragraph and insert: "SECTION 9. IC 3-11-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A voter voting by absentee ballot shall make and subscribe to the affidavit prescribed by IC 3-11-4-21. The voter then shall, except as provided in subsection (b), do the following:

- (1) Mark the ballot in the presence of no other person.
- (2) Fold each ballot separately.
- (3) Fold each ballot so as to conceal the marking.
- (4) Enclose each ballot, with the seal and signature of the circuit court clerk on the outside, together with any unused ballot, in the envelope provided.
- (5) Securely seal the envelope.
- (6) Do one (1) of the following:
  - (A) Mail the envelope to the county election board, with not more than one (1) ballot per envelope.
  - (B) Deliver the envelope to the county election board in person.
  - (C) Deliver the envelope to a member of the voter's household or a person designated as the attorney in fact for the voter under IC 30-5 for delivery to the county election board:
    - (i) in person;
    - (ii) by United States mail; or
    - (iii) by a bonded courier company.
- (b) A voter permitted to transmit the voter's absentee ballots by fax under IC 3-11-4-6 is not required to comply with subsection (a). The individual designated by the circuit court clerk to receive absentee ballots transmitted by fax shall do the following upon receipt of an absentee ballot transmitted by fax:
  - (1) Note the receipt of the absentee ballot in the records of the circuit court clerk as other absentee ballots received by the circuit court clerk are noted.
  - (2) Fold each ballot received from the voter separately so as to conceal the marking.
  - (3) Enclose each ballot in a blank absentee ballot envelope.
  - (4) Securely seal the envelope.













- (5) Mark on the envelope: "Absentee Ballot Received by Fax".
- (6) Securely attach to the envelope the faxed affidavit received with the voter's absentee ballots.
- (c) Except as otherwise provided in this title, absentee ballots received by fax shall be handled and processed as other absentee ballots received by the circuit court clerk are handled and processed.".

Page 14, line 41, delete "(c)".

Page 14, line 41, after "December 20" insert "(c)".

Page 17, line 31, delete "household" and insert "household,".

Page 17, line 31, strike "or".

Page 17, line 32, after "voter," insert "or".

Page 21, line 6, after "one" insert "(1)".

Page 21, line 26, after "(3)" insert "except for a voter who is:

- (A) the person's spouse;
- (B) an incapacitated person (as defined in IC 29-3-1-7.5) for whom the person has been appointed the guardian (as defined in IC 29-3-1-6); or
- (C) a member of the person's household;".

Page 21, line 26, beginning with "in" begin a new line block indented.

Renumber all SECTIONS consecutively.

(Reference is to SB 15 as printed January 25, 2005.)

LAWSON C

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## SENATE MOTION

Madam President: I move that Senators Landske and Miller be added as coauthors of Engrossed Senate Bill 15.

LAWSON C

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### COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 15, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 10, delete "not".

Page 2, between lines 18 and 19, begin a new paragraph and insert:

"(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:".

Page 2, line 19, delete "(6)" and insert "(1)".

Page 2, line 22, delete "(7)" and insert "(2)".

Page 2, line 24, delete "(8)" and insert "(3)".

Page 2, line 26, delete "(9)" and insert "(4)".

Page 2, line 34, delete "(d)" and insert "(e)".

Page 2, line 35, delete "(c)," and insert "(d),".

Page 2, line 37, delete "(e)" and insert "(f)".

Page 2, line 37, after "completing" insert "any information described in subsection (d) on".

Page 2, line 38, after "state" insert "under the penalties for perjury".

Page 3, line 1, delete "and location at which".

Page 3, line 10, delete "(f)" and insert "(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company.".

Page 3, line 19, delete "(g)" and insert "(h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company.".

Page 3, line 19, after "application" insert ", other than the person's own absentee ballot application,".

Page 3, line 19, delete "received from".

Page 3, line 20, delete "an individual under subsection (f)".

Page 3, line 26 through 30.

Page 3, line 31, delete "(3)" and insert "(2)".

Page 3, line 34, delete "(4)" and insert "(3)".

Page 3, line 38, delete "(5)" and insert "(4)".



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Page 3, line 40, delete "(6)" and insert "(5)".

Page 3, line 41, delete "(h)" and insert "(i)".

Page 3, line 42, after "affidavit" insert ".".

Page 3, line 42, delete "and provide the person signing the".

Page 4, delete lines 1 through 2.

Page 5, delete lines 19 through 24.

Page 5, line 40 after "determination." insert "If the application is submitted by a voter wanting to cast an absentee ballot under IC 3-11-10-26, the voter shall be permitted to cast an absentee ballot, and the voter's absentee ballot shall be treated as a provisional ballot.".

Page 11, line 31, after "open" insert ".".

Page 11, line 31, delete "and requests that the".

Page 11, delete lines 32 through 33.

Page 16, delete lines 9 through 27.

Page 24, delete lines 15 through 42.

Page 25, delete lines 1 through 14.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 15 as reprinted February 8, 2005.)

THOMAS, Chair

Committee Vote: yeas 12, nays 0.

